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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,093

07/21/2003

Kim R. Kunz

KUNZ PA 2

2868

7590

11/16/2004

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EXAMINER

ALEMU, EPHREM


ART UNIT

PAPER NUMBER

2821

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,093	Applicant(s) KUNZ, KIM R.	
	Examiner Ephrem Alemu	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20 is/are rejected.
- 7) ☒ Claim(s) 12-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 1 and 11 are objected to because of the following informalities:

In claim 1, line 10, replace for "securing" with --attaching--; and

line 11, replace "attaching" with --securing-- because attachment means is for attaching not for securing and further as it is evidence as presented in claim 11, "means for

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securing” is the one used to secure the antenna with the rear wall member not “means for attaching” as claimed in claim 1; and

line 11, “the antenna” lack antecedent basis.

Claim 11 is objected to because claim 11 ends with semicolon (;) instead of a period (.).

Appropriate correction is required.

4. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form. Re claim 9, the claimed limitation in claim does not further limit in any form or structure of the ground means claimed in claim 7 in which claim 9 depended upon.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunz et al. (US 6,404,403).

Re claims 1-4, Kunz discloses a radio frequency radiation shield unit for wireless telephones (Figs. 1-6) comprising:

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an upright oriented front wall member (i.e., front cover member 70) having a front surface, a rear surface, a height H1, a top edge, a left edge, a right edge and a bottom edge (Figs. 1-6; Col. 3, lines 30-43);

an upright oriented rear wall member (i.e., rear cover member 72) having a front surface, a rear surface (i.e., rear wall 56), a height H1, a top edge, a left edge, a right edge and a bottom edge; the rear wall member having an upper portion and a lower portion (Figs. 1-6; Col. 3, line 30- Col. 4, line 4; wherein the rear surface (i.e., rear wall 56) of the upper portion of the rear wall member has a concave configuration and the rear wall member (i.e., rear cover member 72) is fabricated of a plastic material having carbon fibers therein for absorbing and dispersing radio frequency radiation (RFR));

spacing means (i.e., top wall 32, left side wall 33 and right side wall) for laterally spacing the front wall member (30) from the rear wall member (31) to form a primary chamber (36) therebetween; the primary chamber having a top end and a bottom end (Figs. 1-6; abstract, Col. 3, lines 30-35; wherein the primary chamber extends substantially from the top edge to the bottom edge of the respective front and rear wall members (i.e., front and rear cover members 70, 72));

attachment means (i.e., resin bonding agent) for attaching the front wall member to the rear wall member (Figs. 1-6; Col. 4, lines 2-22); and

means for securing (i.e., tubular sleeve 16) the rear wall member to an antenna of a wireless telephone (Figs. 1-6; Col. 3, lines 35-43).

Re claims 5-6, Kunz further discloses at least one membrane (76) positioned in the primary chamber between the rear surface of the front wall member and the front surface of the

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rear wall member; the membranes being made of carbon fiber material that has been cut into strips and tightly woven together (Fig. 6; Col. 4, lines 5-22; wherein the primary chamber extends substantially from the top edge to the bottom edge of the respective front and rear wall members).

Re claim 7, as applied to claim 2, above, Kunz further discloses some of the RFR that is absorbed by the carbon fibers of the rear wall member is directed into a flow of electrons and the radio frequency radiation shield unit has ground means (50) having a first end and a second end, the first end (i.e., prongs 51) being connected to the flow of electrons (Fig. 1, 5; Col. 2, lines 50-62; Col. 3, lines 44-54).

Re claims 9 and 10, Kunz further discloses at least one membrane (76) positioned in the primary chamber between the rear surface of the front wall member and the front surface of the rear wall member; the membranes (76) being made of carbon fiber material that has been cut into strips and tightly woven together, wherein some of the RFR that is absorbed by the carbon fibers of the rear wall member is directed into a flow of electrons and the radio frequency radiation shield unit has ground means (50) having a first end and a second end, the first end (i.e., prongs 51) being connected to the flow of electrons (Fig. 1, 5, 6; Col. 2, lines 50-62; Col. 3, lines 44-54; Col. 4, lines 5-22).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al. (US 6,404,403).

Re claim 20, Kunz does not disclose the height H1 being in the range of .75-3.0 inches, Kunz discloses the height H1 of the antenna shield being at least as great or greater than the height of the antenna 22 of the cellular phone 18 (Figs. 1-6; Col. 4, lines 2-5).

Therefore, it would have been inherent and/or obvious for the height of the shield being in the range .75-3.0 inches for no other reason than providing radiation shield from the antenna of cellular phone.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al. (US 6,404,403) in view of Wilson (6,088,603).

Re claim 8, Kunz discloses all the subject matter as discussed above in claim 7 except the second end of the ground means (50) can freely contact the hand of a person using the wireless telephone.

However, Wilson discloses an elongated shield member 20 with a slider element 2 and a resilient finger 4 in contact with antenna, for the purpose of providing a shield for shielding radiation from a communication device.

It would have been well in the skill of an artisan at the time the invention was made to modify the second end of Kunz ground means to be in contact with a resilient finger 4 of an elongated shield member 20 of Wilson so that the second end of Kunz ground means (50) can freely contact the hand of a person using the wireless telephone via shield member 20 of Wilson for the purpose of further providing radiation shield from the communication device

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10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al. (US 6,404,403) in view of Lee (US 6,304,224).

Re claim 11, although Kunz discloses means for securing (i.e., tubular sleeve 16) the rear wall member to the antenna of a wireless telephone, Kunz does not disclose the means for securing the rear wall member to the antenna of a wireless telephone comprises an upright oriented tubular collar connected to the rear surface of the lower portion of the rear wall; the tubular collar having an open top end and an open bottom end and a height H1; the tubular collar having a minor chamber extending from the open top end to the open bottom end.

However, Lee discloses an adapter with an adapting tube made of highly elastic rubber for the purpose of easily engaging with an antenna on a mobile phone firmly.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kunz means for securing (i.e., tubular sleeve 16) the rear wall member to the antenna of a wireless telephone with the adapting tube as thought with Lee for the purpose of easily engaging the rear wall member with an antenna on a mobile phone firmly.

Allowable Subject Matter

11. Claims 12-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fail to teach or suggest alone or in combination, the following limitation: "an aperture in the rear wall member in communication with the primary chamber and the minor chamber" as claimed in claim 12.

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Claims 13-19 are objected to as being directly or indirectly dependent over objected claim 12.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwanke (US 5,657,386); and Hunt (US 5,613,221); also teach similar inventive subject matter.

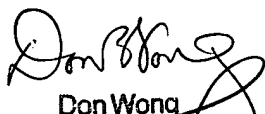
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EA
11-05-04


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